IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,)						
	Plaintiff,) 8:06MJ89)				
	vs.) DETENTION ORDER)				
Tyl	er S. Peneaux,)				
	Defendant.	,				
A.	Order For Detention After conducting a detention hearing pursu Reform Act, the Court orders the above-na U.S.C. § 3142(e) and (i).					
B.	The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.					
C.	Finding Of Fact The Court's findings are based on the evidence that which was contained in the Pretrial Se X (1) Nature and circumstances of the X (a) The crime: Secon maximum penalty of X (b) The offense is a crime of (c) The offense involves a natural field of the content o	rvices Report, and includes the following: e offense charged: d Degree Murder is a serious crime and carries a imprisonment. violence.				
	may affect wheth	_				

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		<u>X</u> <u>X</u>	The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant:
		<u>X</u>	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.
	(b)	At the t	ime of the current arrest, the defendant was on: Probation
	(c)	Other F	Parole Release pending trial, sentence, appeal or completion of sentence.
	(0)		The defendant is an illegal alien and is subject to
			deportation. The defendant is a legal alien and will be subject to deportation if convicted.
			The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: Offense charged			
	In det relied § 314	ermining on the for 2(e) which That not assure safety of finds th	resumptions g that the defendant should be detained, the Court also ollowing rebuttable presumption(s) contained in 18 U.S.C. och the Court finds the defendant has not rebutted: o condition or combination of conditions will reasonably the appearance of the defendant as required and the of any other person and the community because the Court leat the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or

(3) A controlled substance violation which has a maximum penalty of 10 years or more; or(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release(b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:		- 1.61		
(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced		(,	
assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced		(4	4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial	
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· · · · · · · · · · · · · · · · · · ·		(2	18 U.S.C. § 924(c) (uses or carries a firearm during	
			crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or	

D. Additional Directives

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Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 14, 2006.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge